

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PETER A. CRAWFORD,

Plaintiff,

v.

Civil Action No.
05-cv-10078 (DPW)

WOLVERINE, PROCTOR & SCHWARTZ, INC.;
STEVEN F. CHILINSKI, and
DEEPAK S. KULKARNI,

Defendants.

**DEFENDANT DEEPAK S. KULKARNI'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 56(b), defendant Deepak S. Kulkarni moves that summary judgment be entered in his favor on the eighth cause of action, claiming fraud, articulated in the Amended Complaint of plaintiff *pro se* Peter A. Crawford.

As summary for the grounds of this motion, defendant states as follows:

1. The statements that comprise Kulkarni's alleged misrepresentations concerned opinions or estimates regarding future events and, as such, are not actionable as fraud.
2. Crawford could have immediately and easily confirmed the truth of Kulkarni's alleged misrepresentations through a cursory examination of documents readily available to him as Wolverine, Proctor & Schwartz, Inc.'s Chief Operations Officer. As a result, any reliance by Crawford on Kulkarni's purported misrepresentations was inherently unreasonable.

3. Any detrimental reliance or damages suffered by Crawford as a result of Kulkarni's alleged misrepresentations are entirely speculative.
4. Crawford may not recover for the reliance of third-parties on the alleged misrepresentations of Kulkarni.
5. Kulkarni's alleged misrepresentations had no bearing on Crawford's contractual entitlement to a share of distributions under Section 5.3 of the LLC Agreement and, therefore, Crawford suffered detrimental reliance or actual damages as a result of Kulkarni's alleged misrepresentations.

For the above reasons, Defendant Kulkarni's instant motion for summary judgment dismissing the eighth cause of action in Crawford's Amended Complaint pursuant to Fed. R. Civ. P. 56(b) should be allowed.

LOCAL RULE 7.1 CERTIFICATION

I certify that on May 4, 2006, I discussed by telephone the bases of this motion with the plaintiff *pro se*, Peter A. Crawford, in an effort to narrow or resolve the underlying issue. I was not successful in my attempt to narrow or resolve any of the issues addressed in this motion.

REQUEST FOR ORAL ARGUMENT

Defendant respectfully request that the Court schedule oral argument on the instant Motion.

Dated: May 5, 2005

Respectfully submitted,

DEEPAK S. KULKARNI

By his attorneys,

/s/ Jeffrey D. Kuhn
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 5, 2006, I filed the foregoing document with the Clerk of the Court using the ECF system. I further certify that I mailed the foregoing document and the notice of electronic filing to the pro se plaintiff, Peter A. Crawford, 23 Newcastle Drive, #11, Nashua, NH 03060, by U.S. mail, on the same date. I further certify that I sent a courtesy copy of this filing and its ECF confirmation to plaintiff at his email address petercra@ix.netcom.com on the same date.

/s/ Jeffrey D. Kuhn
Jeffrey D. Kuhn, Esq.